

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aaron Walker on 10-15-2008.

Page of Remarks	Regarding Claim	Line of Claim	Change
2	35	6	for <del>each</del> <u>all of the</u> optical amplification mediums
3	46	4	for <del>each</del> <u>all</u> of the optical amplification mediums
4	47	5	band of <del>each</del> <u>all</u> of the optical amplification mediums

### *Allowable Subject Matter*

2. Claims 35-39, 41, 42, and 46-48 are allowed.
3. Regarding claim 35, the prior art does not teach or make obvious the use of
  - a gain controller constantly maintaining the gain, including at least one gain peak, for each optical amplification medium
  - a plurality of optical gain-equalizers, respectively positioned after each optical amplification medium equalizing the gain characteristics of the wavelength bandwithin the context of claim 35 taken as a whole.

4. Regarding claim 46, the prior art does not teach or make obvious the use of
- a gain controller maintaining a constant population inversion ratio for all of the optical amplification mediums
  - a plurality of optical gain-equalizers, respectively positioned after each optical amplification medium equalizing each output light of the preceding optical amplifier medium

within the context of claim 46 taken as a whole.

5. Regarding claim 47, the prior art does not teach or make obvious the use of
- a gain controller controlling the gain-characteristic of the wavelength band of each of the optical amplification mediums
  - a plurality of optical gain-equalizers respectively positioned after each optical amplification medium equalizing each output light of the preceding optical amplification medium

within the context of claim 47 taken as a whole.

### ***Conclusion***

6. The prior art which is cited but not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ari M. Diacou whose telephone number is (571) 272-5591. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. M. D./  
Examiner, Art Unit 3663  
28-Oct-08

/Jack W. Keith/  
Supervisory Patent Examiner, Art Unit 3663